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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,653

09/17/2003

Hideki Kanie

A-9923

3807

181 7590 02/08/2007
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

REESE, DAVID C

ART UNIT

PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,653

Applicant(s)

KANIE, HIDEKI

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2006 has been entered. Consequently, the following is the current listing of claims in the instant application:

Status of Claims

- Claim 2 was canceled.
- Claims 1, 3-6, 9-10 were amended.
- Claims 1 and 3-13 are pending.
- A Substitute Abstract was filed for entry.

Specification

[1] The disclosure was previously objected to for informalities. Applicant has successfully addressed these issues in the amendment filed on 11/21/2006. Accordingly, the objection(s) to the specification (abstract) have been withdrawn, and the applicant's amendment to the specification has been entered.

Claim Rejections - 35 USC § 102

[2] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

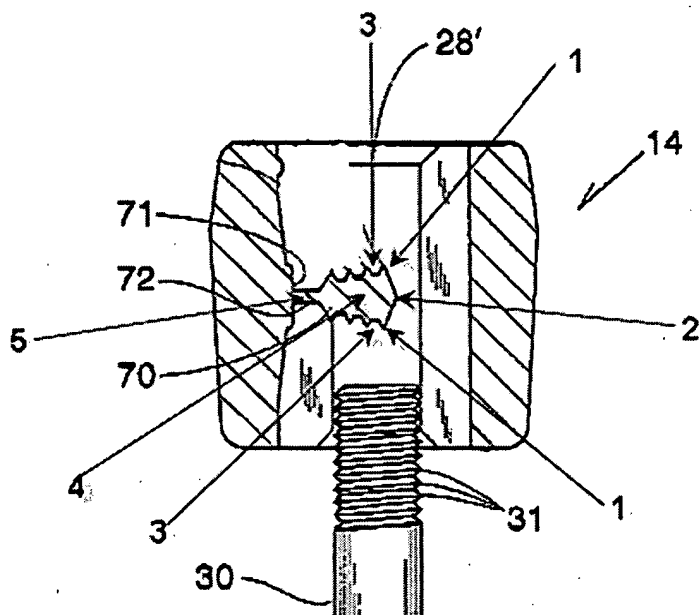
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[3] Claims 1-13 are rejected under 35 U.S.C. 102(b) as clearly anticipated by Geiger, US-6,240,602, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Geiger is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

As for Claim 1, Geiger teaches (Fig. 15) (also see figure below) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), wherein the device (14) has only a single pawl (70), and, in the absence of a stud (31) in the bore (28'), the pawl (70) extends from an inner wall (71) of the bore (28') in a direction substantially perpendicular to a longitudinal axis of the bore (28'), wherein the pawl (70) has a flexible thin section (5) connected to the inner wall (71) and a thick section (4) extending from the thin section (5), wherein the pawl (70) can be bent in opposite directions at the thin section (5) for mounting the device (14) on a stud (30) from two directions, wherein only a single pair (1) of thread engaging sections are formed at opposite sides of the thick section (4) at a tip end (rightmost part) of the thick section (4), one or another of the engaging sections (1) being disposed for entering a space between crests of threads (31) of a stud (30) depending on a

direction of insertion of the stud (30) in the bore (28'), wherein only a single pair of grooves (3) are formed adjacent to corresponding engaging sections (1) of the pawl (70) at the opposite sides of the thick section (4), each groove (3) being disposed for receiving a crest of a thread (31) adjacent to the space between the crests, and wherein the opposite sides of the thick section (4) of the pawl (70) between the grooves (3) and the thin sections (5) are devoid of thread engaging sections and grooves corresponding to thread engaging sections.



As for Claim 3, Geiger teaches (Fig. 15) (also see figure above) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), wherein the device (14) has only a single pawl (70), and, in the absence of a stud (31) in the bore (28'), the pawl (70) extends from an inner wall (71) of the bore (28') in a direction

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substantially perpendicular to an axis of the bore (28'), wherein the pawl (70) has a flexible thin section (5) connected to the inner wall (71) and a thick section (4) extending from the thin section (5), wherein the pawl (70) can be bent in opposite directions at the thin section (5) for mounting the device (14) on a stud (30) from two directions, wherein a pair (1) of thread engaging sections are formed at an end (2) of the thick section (4), one or another of the engaging sections being disposed for entering a space between crests of threads (31) of a stud (30) depending on a direction of insertion of the stud (30) in the bore (28'), wherein a length of the thick section (4) of the pawl (70) is substantially greater than a distance between the inner wall (71) and a stud (30) fully inserted in the bore (28'), and wherein after full insertion of a stud (30) in the bore (28'), a centerline of the pawl (70) forms an angle substantially less than 90° from the centerline of the pawl (70) before insertion of a stud (30).

Re: Claim 4, wherein a tip of each engaging section (73) is arcuate in a plane perpendicular to the longitudinal axis of the bore (28') so as to conform to a curvature of the threads (31).

Re: Claim 5, wherein each groove (3) is arcuate in a plane perpendicular to the longitudinal axis of the bore (28') so as to conform to the curvature of the threads (31).

As for Claim 6, Geiger teaches (Fig. 15) (also see figure above) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), and having only a single pawl (70) in the bore (28'), wherein the pawl (70) is connected by a hinge (5) to a first inner wall (72) of the bore (28'), wherein the pawl (70) has a centerline extending in a first direction substantially perpendicular to an axis of the bore (28') before insertion of a stud (30) in the bore (28') and forming an angle of substantially less than 90° with

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respect to the first direction after full insertion of the stud (30) in the bore (28'), and wherein the pawl (70) has only a single thread engaging section (1) at a pawl tip at one side of the pawl, that enters a space between successive crests of threads (31) of a stud (30) and has only a single adjacent groove (3) at said one side of the pawl, that receives one of the crests of the thread (31), wherein the pawl (70) has a length (via 4) along said one side between the groove (3) and the hinge (5) that is devoid of thread engaging sections and thread crest receiving grooves, and wherein a second inner wall (inside 22) of the bore (28') is constructed to minimize lateral movement of the stud (30) in the first direction, and in a direction orthogonal to the first direction.

Re: Claim 7, wherein the second inner wall (inside 22) of the bore (28') is dimensioned to closely surround a major portion of the circumference of the stud (30).

Re: Claim 8, wherein the engaging section (1) and the groove (3) are formed on a section of the pawl (70) substantially thicker (4) than a section of the pawl (70) forming the hinge (5).

Re: Claim 9, wherein there is only a single engaging section (1) and only a single groove (3) at each of opposite sides of the thicker section of the pawl, whereby an engaging section (1) and a groove (3) can engage threads (31) of the stud (30) irrespective of the direction of insertion of a stud (30) into the bore (28').

Re: Claim 10, wherein tips of the engaging sections (1) and the grooves (3) are arcuate in a plane perpendicular to the longitudinal axis of the bore (28') to conform to the curvature of the threads (31) of the stud (30).

Re: Claim 11, wherein a stud (30) is disposed in the bore (28').

Re: Claim 12, wherein the body includes a component mounting section for holding a component (Fig. 14).

Re: Claim 13, wherein the body includes a component mounting section for holding a component (Fig. 14).

Response to Arguments

[4] Applicant's arguments filed 11/21/2006 regarding rejections under 35 U.S.C. 102 have been fully considered but they are not persuasive. Examiner maintains that the amended subject matter presented by applicant in the instant amendment is still anticipated by the prior art of Geiger. A figure has been provided (see above) to help show that the structure of Geiger does indeed anticipate that of the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. Applicant states that Geiger does not teach of only a single pair of thread engaging sections formed at opposite sides of the thick section at a tip end of the thick section and a single pair of grooves formed adjacent to corresponding engaging sections. The examiner disagrees. Though the applicant amended the claim to include that only a single pair of thread engaging sections are formed, said pair was limited to be formed at opposite sides of the thick section at a tip end of the thick section. As shown from the figure provided above, Geiger does indeed show a only a single pair (1) of engaging sections and grooves (3) found on opposite sides of the thick section and at the tip end (to the rightmost part) of said section. Though Geiger may show other thread engaging sections, said sections are not found at a tip end of the thick section.

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Conclusion

[5] THIS ACTION IS NON-FINAL

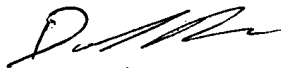
[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCR

David Reese
Assistant Examiner
Art Unit 3677


1/28/07


ROBERT J. SANDY
PRIMARY EXAMINER